


AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي <i>African Commission on Human & Peoples' Rights</i>		UNIÃO AFRICANA <i>Commission Africaine des Droits de l'Homme & des Peuples</i>
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Final Communiqué of the 56th Ordinary Session of the African Commission on Human and Peoples' Rights

Banjul, The Gambia
21st April – 7 May 2015

1. The African Commission on Human and Peoples' Rights (the Commission) held its 56th Ordinary Session in Banjul, The Gambia, from 21 April to 7 May 2015.
2. The opening ceremony was graced by the presence of the Minister of Justice of The Republic of The Gambia, **Honourable Justice Mama Fatima Singhateh**, who declared the Session open.
3. The following Members of the Commission participated in the Ordinary Session:
 - i. Honourable Commissioner **Kayitesi Zainabo Sylvie**, Chairperson;
 - ii. Honourable Commissioner **Mohamed Béchir Khalfallah**, Vice-chairperson;
 - iii. Honourable Commissioner **Reine Alapini-Gansou**;
 - iv. Honourable Commissioner **Soyata Maiga**;
 - v. Honourable Commissioner **Pansy Tlakula**;
 - vi. Honourable Commissioner **Lucy Asuagbor**;
 - vii. Honourable Commissioner **Med Kaggwa**;
 - viii. Honourable Commissioner **Maya Sahli-Fadel**;
 - ix. Honourable Commissioner **Pacifique Manirakiza**; and
 - x. Honourable Commissioner **Lawrence Murugu Mute**.
4. Honourable Commissioner **Yeung Kam John Yeung Sik Yuen** was absent with apologies.
5. During the opening ceremony, Mrs. Hannah Foster, Executive Director of the African Centre for Democracy and Human Rights Studies, speaking on behalf of the NGO Forum Steering Committee, reported that the Forum acknowledged positive developments regarding the human rights situation on the continent, and formulated strategies and recommendations to address ongoing serious violations of human rights. She called on the Commission to urgently convene an open panel and interactive session on conflict and human rights in Africa to discuss strategies for collectively responding to conflicts in Africa.
6. Mr. Gilbert Sebihogo, Executive Director for the Network of African National Human Rights Institutions (NANHRI), speaking on behalf of NANHRI, called on the Commission

to support the establishment of early warning mechanisms to prevent conflict arising from electoral processes.

7. Mr. Andrea Ori, Representative of the United Nations (UN) High Commissioner for Human Rights for West Africa, speaking on behalf of Mr. Zeid Ra'ad Al Hussein, UN High Commissioner for Human Rights, reaffirmed the important value of human rights and their inherence to each and every human being. He deplored cases of human rights violations occasioned by xenophobia, natural disasters, the Ebola outbreak and terrorism. Mr Ori commended the cooperation between the African Union (AU) and the UN on human rights issues, including in relation to peace keeping, and the Addis Ababa Roadmap which set up a platform for cooperation between the Special Mechanisms of the UN and those of the Commission.
8. Speaking on behalf of AU Member States, His Excellency Antonio Bento Bembe, Secretary of State for Human Rights of the Republic of Angola, commended the Commission's efforts in the promotion and protection of human and peoples' rights. He shared with participants efforts of his Government to enable the people of Angola to effectively enjoy the rights enshrined in the African Charter and other international treaties.
9. Honourable Justice Augustino Ramadhani, the President of the African Court on Human and Peoples' Rights (the Court), highlighted the complementarity between the Court and the Commission. Honourable Justice Ramadhani pointed out the use by both institutions of the referral mechanism of cases to each other in line with their respective Rules of Procedures. He noted that the Court and the Commission hold annual joint meetings to discuss matters of mutual importance. He called on States which have not done so to ratify the Protocol establishing the Court as well as make the declaration under Article 34 (6). He exhorted members of the Court and those of the Commission to apply themselves selflessly to the task of ensuring protection and promotion of human rights in Africa.
10. Dr Khabele Matlosa, Director of the Department of Political Affairs of the African Union Commission (AUC), speaking on behalf of Dr Aisha Abdullahi, Commissioner for Political Affairs of the AUC, commended the Commission for its work and acknowledged efforts of all who contributed to the effective organisation of the 56th Ordinary Session of the Commission, including the Republic of The Gambia. Dr Matlosa recalled the 1994 genocide in Rwanda, and he condemned the ongoing xenophobic attacks in South Africa. He recalled

some of the key initiatives of the AU that aim at promoting and protecting human rights. These included the African Governance Architecture and its Platform to support Member States in their efforts to promote democratic and participatory governance anchored on solid human rights foundations. He said that the Human Rights and Transitional Justice Cluster of the Platform is now operational. He further said that the AU Transitional Justice Policy Framework would hopefully be adopted during the AU Summit in January 2016. He noted that the latest manifestation of the cooperation between the AU and the Commission was demonstrated during the AU Summit in January of 2014 when the Executive Council adopted a decision Declaring 2016 as the Year of Human Rights in Africa with Special Focus on the Rights of Women.

11. Honourable Joseph Chilengi, Presiding Officer of the AU Economic, Social and Cultural Council (ECOSOCC) shared with participants ECOSOCC's efforts of contributing to the human rights agenda of the AU.
12. In her opening statement, the Chairperson of the Commission, Honourable Commissioner Kayitesi Zainabo Sylvie, warmly welcomed all participants to the 56th Ordinary Session. She stated that despite postponements and change of venue of the Session due to unavoidable circumstances, the presence of delegates at the Session was a clear demonstration of the importance that each participant attached to the Commission's work. Speaking about the general human rights situation in Africa, she deplored the heavy toll paid by innocent populations in countries plagued by conflicts and terrorism, such as in the Central African Republic, Somalia, South Sudan, Nigeria, Libya and Kenya. She extended the Commission's sympathy to countries that had suffered the Ebola pandemic. She stressed the Commission's opposition to all forms of unconstitutional changes of government. She condemned the attacks and killings of persons with albinism in some countries as well as the ordeal of human rights defenders across Africa. She urged all States Parties to fully respect and implement their human rights obligations deriving from the African Charter and other relevant human rights treaties. She noted positive developments regarding human rights in Africa and commended peaceful elections and democratic transitions in countries like Zambia and Nigeria. The Chairperson of the Commission acknowledged with appreciation the support and collaboration which exist between the Commission and diverse

stakeholders and institutions including AU sister Organs, the UN, National Human Rights Institutions (NHRIs) and Civil Society Organisations.

13. At the request of the Chairperson of the Commission, a moment of silence was observed in memory of all those who lost their lives as a result of recent attacks by armed groups in Africa.
14. Honourable Justice Mama Fatima Singhateh, Attorney General and Minister of Justice of the Republic of The Gambia, welcomed participants to the 56th Ordinary Session of the Commission. She spoke about human rights developments in Africa with specific reference to recent efforts made by The Government of The Gambia in implementing its human rights obligations. She indicated that her country is privileged to host Sessions of the Commission, and appreciated the collaborative relationship between the Commission and The Gambia. She wished delegates fruitful deliberations and declared open the 56th Ordinary Session of the African Commission.
15. Honourable Commissioner **Kayitesi Zainabo Sylvie** presided over the deliberations during the Ordinary Session, in her capacity as Chairperson of the Commission.
16. A total of six hundred and ninety-four (694) delegates participated in the Session; with one hundred and seventy-five (175) representing thirty two (32) Member State Parties, nine delegates (9) representing AU Organs, forty three (43) from NHRIs, seventeen (17) from International and Inter-Governmental Organisations, and three hundred and four (304) representing African and International Non-Governmental Organisations (NGOs). Seventy (70) representatives of the media and other independent observers were also in attendance.
17. A number of activities were conducted prior to and on the margins of the Session, including:
 - i. NGO Forum, held from 17 to 19 April 2015;
 - ii. Meeting of NHRIs, held from 19 to 21 April 2015;
 - iii. Meeting of the Working Group on Economic, Social and cultural Rights, held from 19 to 20 April 2015;
 - iv. Launch of the Report of the state of freedom of expression in Eritrea , held on 21 April 2015;
 - v. Meeting of the acting Chairperson of the Working Group on the Rights of Older Persons and Persons with Disabilities in Africa with NGOs working on Rights of Persons with Disabilities in Africa , held on 21 April 2015;

- vi. Meeting of Committee for the Prevention of Torture in Africa with its partners, held on 22 April 2015;
 - vii. Panel on the Role of the Police in the promotion of human rights complaints policing, held on 23 April 2015; and
 - viii. Documentary on Kenya, shown on 24 April 2015.
18. Representatives of the following twenty (20) State Parties made statements on the human rights situation in their respective countries: Malawi, Burkina Faso, Togo, Rwanda, Egypt, Mauritania, Sahrawi Arab Democratic Republic, Kenya, Algeria, Ethiopia, Namibia, Angola, Nigeria, Democratic Republic of Congo, Niger, Guinea Bissau, South Africa, Chad, Eritrea and Guinea.
 19. Representatives of the UN High Commissioner for Refugees to the AU and the AU Office in Geneva made statements highlighting the collaboration between the Commission and their respective Offices in promoting and protecting human rights.
 20. A representative from the East African Legislative Assembly made a statement presenting its mandate and work as well as making proposals on the possible collaboration between the Commission and the said institution.
 21. Eight (8) representatives of NHRIs also made statements on the human rights situation in their respective countries, namely:
 - i. The National Human Rights Commission of Mauritius;
 - ii. The National Human Rights Commission of South Africa;
 - iii. Consultative Commission for the Protection and Promotion of Human Rights of the Republic of Algeria;
 - iv. The National Independent Human Rights Commission of Burundi;
 - v. The National Human Rights Commission of Niger;
 - vi. The National Human Rights Commission of Ethiopia;
 - vii. The National Human Rights Commission of the Republic of Rwanda; and
 - viii. The Kenya National Commission on Human Rights.
 22. A total of forty-one (41) NGOs with Observer Status with the Commission made statements on the human rights situation in Africa.
 23. In accordance with the Resolution on the Granting of Affiliate Status to NHRIs in Africa, the Commission granted Affiliate Status to two (2) NHRIs, which are:

- i. The Commission on Human Rights and Administrative Justice of Ghana; and
 - ii. La Commission Nationale des Droits de l'Homme de Côte d'Ivoire.
24. This brings the total number of NHRIs with Affiliate Status with the Commission to twenty four (24).
25. The Commission granted Observer Status to seven (7) NGOs, in accordance with the Resolution on the Criteria for Granting and Enjoying Observer Status to Non-Governmental Organisations Working in the Field of Human and Peoples' Rights, namely:
- i. The Legal Assistance Trust (Namibia);
 - ii. Asylum Access(Tanzania);
 - iii. Global Forum for the Defense of Human Rights Association (Cameroun);
 - iv. International Lawyers.Org (Switzerland);
 - v. Coalition of African Lesbians (South Africa);
 - vi. Universal Rights Group (Switzerland); and
 - vii. Pan African Lawyers Union [PALU] (Tanzania).
26. This brings the total number of NGOs with Observer Status with the Commission to four hundred and eighty-five (485).
27. In accordance with Article 62 of the African Charter, the Commission considered the periodic reports of the following seven (7) State Parties:
- i. The Federal Republic of Nigeria;
 - ii. The Republic of Djibouti;
 - iii. The Republic of Niger;
 - iv. The Federal Democratic Republic of Ethiopia;
 - v. The Republic of Uganda;
 - vi. The Republic of Malawi; and
 - vii. The Republic of Senegal.
28. Members of the Commission presented the following reports of activities they undertook during the inter-Session period as Commissioners and within the framework of their various Special Mechanisms:
- i. Chairperson of the Commission;
 - ii. Chairperson of the Working Group on Death Penalty, Extrajudicial, Summary or Arbitrary Killings in Africa;

- iii. Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa;
- iv. Special Rapporteur on Freedom of Expression and Access to Information in Africa;
- v. Special Rapporteur on the Rights of Women in Africa;
- vi. Special Rapporteur on Human Rights Defenders in Africa;
- vii. Special Rapporteur on Prisons and Conditions of Detention in Africa;
- viii. Chairperson of the Committee on the Protection of the Rights of People Living with HIV and those at Risk, Vulnerable to and Affected by HIV;
- ix. Chairperson of the Working Group on Communications;
- x. Chairperson of the Working Group on Indigenous Populations/Communities in Africa;
- xi. Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa;
- xii. Chairperson of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa;
- xiii. Chairperson of the Committee for the Prevention of Torture in Africa; and
- xiv. Chairperson of the Working Group on the Rights of Older Persons and People with Disabilities in Africa.

29. Delegates discussed the “*Project 2016*” which lays out activities to celebrate 2016 as the Year of Human Rights in Africa with Special Focus on the Rights of Women. Rwanda reiterated its commitment to support the successful implementation of the Project.

30. The Commission launched the following five (5) documents and studies during the 56th Ordinary Session:

- i. General Comment No. 2 on Article 14 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol);
 - ii. Study on the Situation of Women Human Rights Defenders in Africa;
 - iii. Study on Nationality in Africa;
 - iv. Report of the Study Group on Freedom of Association and Assembly in Africa;
- and

- v. Guidelines on Conditions of Arrest, Police Custody and Pre-trial Detention in Africa.
31. The following four panels were also held during the Session:
- i. Panel on torture and the need to prepare General Comments on Article 5 of the African Charter;
 - ii. Panel on the Draft Protocol on the Abolition of the Death Penalty in Africa;
 - iii. Panel to sensitise States Parties on ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
 - iv. Panel on the Guidelines on the Use of the Maputo Protocol.
32. The Commission held meetings with a number of other institutions, as follows:
- i. It met a delegation from the Independent Permanent Human Rights Commission of the Organisation of Islamic Cooperation to explore possible collaboration;
 - ii. It held a meeting with the Representatives of the AUC, the UNHCR representation to the AU, and the Open Society Initiative for Eastern Africa. The meeting discussed the issue of statelessness in Africa and provided an update of the drafting process of the Protocol on the Right to Nationality; and
 - iii. It met with representatives of the OHCHR, UNAIDS and the Inter-American Commission on Human Rights, to initiate a dialogue on the human rights of sexual minorities in Africa.
33. The Commission considered and adopted the following documents:
- i. The draft Protocol to the African Charter on Human and peoples' rights on the Abolition of the death Penalty in Africa;
 - ii. Principles and Guidelines on Human and Peoples' Rights while Countering Terrorism.
34. The Commission equally considered and adopted the following four (4) reports and two (2) working tools:
- i. The Report of the Secretary;
 - ii. The Report of the Advisory Committee on Budgetary and Staff Matters;
 - iii. The Report of the Working Group on Communications;

- iv. The Report of the Commissioner rapporteur on the implementation of Communication 276/03 – Centre for Minority Rights Development and Minority Rights Group International (on behalf of the Endorois Welfare Council) v. The Republic of Kenya;
 - v. The 2015 Annual Work Plan; and
 - vi. The Audit of Communications before the Commission.
35. The Commission adopted the following Resolutions:
- i. Resolution Condemning the Xenophobic Attacks in the Republic of South Africa;
 - ii. Resolution on the Human Rights Situation in the Republic of Kenya; and
 - iii. Resolution on the Right to Rehabilitation for Victims of Torture.
36. The Commission made statements on the following matters:
- i. The situation of human rights in Burundi in the upcoming presidential elections;
 - ii. The deteriorating situation of migrants in the Mediterranean Sea and
 - iii. The attacks perpetrated by the terrorist group Boko Haram against a Nigerien military contingent on Saturday, 25 April 2015.
37. The Commission considered twenty-five (25) Communications:
- i. Twenty-three (23) Communications on Seizure; and
 - ii. Two (2) Communications on Merits.
38. The Commission deferred its decisions regarding twenty-three (23) other Communications at seizure stage.
39. The Commission further considered and provided guidance on thirteen (13) issues/questions pertaining to its communications procedure.
40. The Commission held an Oral Hearing on Communication 467/14 – 529 Persons sentenced to Death v. The Arab Republic of Egypt.
41. The Commission considered and adopted its 38th Activity Report, which will be submitted to the 27th Ordinary Session of the Executive Council of the AU during the 25th Summit of the Assembly of Heads of State and Government of the AU, scheduled to take place in June 2015.

42. The Commission decided to hold the joint meeting of the Bureaux of the Court and of the Commission on 25 July 2015 and the 4th annual meeting of the Court and the Commission on 27 and 28 July 2015 in Zanzibar, the United Republic of Tanzania.
43. The Commission decided to hold its 18th Extraordinary Session from 29 July 2015 to 7 August 2015 in Zanzibar, the United Republic of Tanzania.
44. The Commission decided to hold its 57th Ordinary Session from 4 to 18 November 2015, Banjul, The Gambia.
45. The Republic of Niger proposed to host the 58th Ordinary Session of the Commission.
46. The Commission expresses its sincere gratitude to the Government and people of the Republic of The Gambia for the warm welcome and hospitality extended to participants. The Commission also expresses its sincere appreciation to the Republic of The Gambia for accepting to host the 56th Ordinary Session and for all the resources and facilities made available to the Commission, which contributed to the smooth conduct and success of the Session.
47. The closing ceremony of the Session was held on 7 May 2015 in Banjul, The Gambia.

Done in Banjul, Republic of The Gambia, on 7th May 2015

2015

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